

106TH CONGRESS  
2D SESSION

# H. R. 4493

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## AN ACT

To establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Prosecution Drug  
3 Treatment Alternative to Prison Act of 2000”.

4 **SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PRO-**  
5 **GRAMS ADMINISTERED BY STATE OR LOCAL**  
6 **PROSECUTORS.**

7 (a) PROSECUTION DRUG TREATMENT ALTERNATIVE  
8 TO PRISON PROGRAMS.—Title I of the Omnibus Crime  
9 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
10 et seq.) is amended by adding at the end the following  
11 new part:

12 **“PART AA—PROSECUTION DRUG TREATMENT**  
13 **ALTERNATIVE TO PRISON PROGRAMS**  
14 **“SEC. 2701. PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—The Attorney General may make  
16 grants to State or local prosecutors for the purpose of de-  
17 veloping, implementing, or expanding drug treatment al-  
18 ternative to prison programs that comply with the require-  
19 ments of this part.

20 “(b) USE OF FUNDS.—A State or local prosecutor  
21 who receives a grant under this part shall use amounts  
22 provided under the grant to develop, implement, or expand  
23 the drug treatment alternative to prison program for  
24 which the grant was made, which may include payment  
25 of the following expenses:

1           “(1) Salaries, personnel costs, equipment costs,  
2           and other costs directly related to the operation of  
3           the program, including the enforcement unit.

4           “(2) Payments to licensed substance abuse  
5           treatment providers for providing treatment to of-  
6           fenders participating in the program for which the  
7           grant was made, including aftercare supervision, vo-  
8           cational training, education, and job placement.

9           “(3) Payments to public and nonprofit private  
10          entities for providing treatment to offenders partici-  
11          pating in the program for which the grant was  
12          made.

13          “(c) FEDERAL SHARE.—The Federal share of a  
14          grant under this part shall not exceed 75 percent of the  
15          cost of the program.

16          “(d) SUPPLEMENT AND NOT SUPPLANT.—Grant  
17          amounts received under this part shall be used to supple-  
18          ment, and not supplant, non-Federal funds that would  
19          otherwise be available for activities funded under this part.

20          **“SEC. 2702. PROGRAM REQUIREMENTS.**

21          “A drug treatment alternative to prison program with  
22          respect to which a grant is made under this part shall  
23          comply with the following requirements:

24                  “(1) A State or local prosecutor shall admin-  
25                  ister the program.

1           “(2) An eligible offender may participate in the  
2           program only with the consent of the State or local  
3           prosecutor.

4           “(3) Each eligible offender who participates in  
5           the program shall, as an alternative to incarceration,  
6           be sentenced to or placed with a long term, drug  
7           free residential substance abuse treatment provider  
8           that is licensed under State or local law.

9           “(4) Each eligible offender who participates in  
10          the program shall serve a sentence of imprisonment  
11          with respect to the underlying crime if that offender  
12          does not successfully complete treatment with the  
13          residential substance abuse provider.

14          “(5) Each residential substance abuse provider  
15          treating an offender under the program shall—

16               “(A) make periodic reports of the progress  
17               of treatment of that offender to the State or  
18               local prosecutor carrying out the program and  
19               to the appropriate court in which the defendant  
20               was convicted; and

21               “(B) notify that prosecutor and that court  
22               if that offender absconds from the facility of  
23               the treatment provider or otherwise violates the  
24               terms and conditions of the program.

1           “(6) The program shall have an enforcement  
2           unit comprised of law enforcement officers under the  
3           supervision of the State or local prosecutor carrying  
4           out the program, the duties of which shall include  
5           verifying an offender’s addresses and other contacts,  
6           and, if necessary, locating, apprehending, and ar-  
7           resting an offender who has absconded from the fa-  
8           cility of a residential substance abuse treatment pro-  
9           vider or otherwise violated the terms and conditions  
10          of the program, and returning such offender to court  
11          for sentence on the underlying crime.

12   **“SEC. 2703. APPLICATIONS.**

13          “(a) IN GENERAL.—To request a grant under this  
14          part, a State or local prosecutor shall submit an applica-  
15          tion to the Attorney General in such form and containing  
16          such information as the Attorney General may reasonably  
17          require.

18          “(b) CERTIFICATIONS.—Each such application shall  
19          contain the certification of the State or local prosecutor  
20          that the program for which the grant is requested shall  
21          meet each of the requirements of this part.

22   **“SEC. 2704. GEOGRAPHIC DISTRIBUTION.**

23          “The Attorney General shall ensure that, to the ex-  
24          tent practicable, the distribution of grant awards is equi-  
25          table and includes State or local prosecutors—

1 “(1) in each State; and

2 “(2) in rural, suburban, and urban jurisdic-  
3 tions.

4 **“SEC. 2705. REPORTS AND EVALUATIONS.**

5 “For each fiscal year, each recipient of a grant under  
6 this part during that fiscal year shall submit to the Attor-  
7 ney General a report regarding the effectiveness of activi-  
8 ties carried out using that grant. Each report shall include  
9 an evaluation in such form and containing such informa-  
10 tion as the Attorney General may reasonably require. The  
11 Attorney General shall specify the dates on which such  
12 reports shall be submitted.

13 **“SEC. 2706. DEFINITIONS.**

14 “In this part:

15 “(1) The term ‘State or local prosecutor’ means  
16 any district attorney, State attorney general, county  
17 attorney, or corporation counsel who has authority  
18 to prosecute criminal offenses under State or local  
19 law.

20 “(2) The term ‘eligible offender’ means an indi-  
21 vidual who—

22 “(A) has been convicted of, or pled guilty  
23 to, or admitted guilt with respect to a crime for  
24 which a sentence of imprisonment is required  
25 and has not completed such sentence;

1 “(B) has never been convicted of, or pled  
2 guilty to, or admitted guilt with respect to, and  
3 is not presently charged with, a felony crime of  
4 violence or a major drug offense or a crime that  
5 is considered a violent felony under State or  
6 local law; and

7 “(C) has been found by a professional sub-  
8 stance abuse screener to be in need of sub-  
9 stance abuse treatment because that offender  
10 has a history of substance abuse that is a sig-  
11 nificant contributing factor to that offender’s  
12 criminal conduct.

13 “(3) The term ‘felony crime of violence’ has the  
14 meaning given such term in section 924(c)(3) of title  
15 18, United States Code.

16 “(4) The term ‘major drug offense’ has the  
17 meaning given such term in section 36(a) of title 18,  
18 United States Code.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 1001(a) of title I of the Omnibus Crime Control and Safe  
21 Street Act of 1968 (42 U.S.C. 3793(a)) is amended by  
22 adding at the end the following new paragraph:

23 “(24) There are authorized to be appropriated  
24 to carry out part AA—

25 “(A) \$75,000,000 for fiscal year 2000;

1                   “(B) \$85,000,000 for fiscal year 2001;  
2                   “(C) \$95,000,000 for fiscal year 2002;  
3                   “(D) \$105,000,000 for fiscal year 2003;  
4                   and  
5                   “(E) \$125,000,000 for fiscal year 2004.”.

Passed the House of Representatives October 17,  
2000.

Attest:

*Clerk.*



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